



Guide to the CARES Act: Emergency Paid Leave

The Families First Coronavirus Response Act (“Families First”) requires most public sector employers and small businesses with up to 500 employees to provide two new types of paid leave to their employees who are directly affected by the COVID-19 outbreak.

- The first type, **emergency paid sick leave**, allows people to take time off if they are sick; if they are caring for a sick person; if they cannot work because of a government order to isolate; or if they need to take care of a child whose school or childcare is closed.
- The second type, **emergency family and medical leave**, provides another option for people who need to care for a child whose school or childcare provider has closed due to the outbreak.

These types of leave will ensure that workers are able to stay home from work when sick and take care of their family members without economic hardship. The paid leave requirements go into effect on April 1, 2020, and last until December 31, 2020.

If you are an employee who is ineligible for these new Federal paid leave benefits, you may be eligible for existing New Jersey paid leave benefits. Please see more below for details.

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Federal Emergency Paid Sick Leave

Who is Eligible

- Employees who work at companies with fewer than 500 employees are eligible for paid sick leave.
- If you are employed by a company with more than 500 employees, self-employed or an independent contractor/gig worker, you are not eligible for emergency paid sick leave under Families First.
- If you work at a company with fewer than 50 employees, please ask your employer if they have received an exemption from the emergency paid sick leave requirements.

How it Can Be Used

You may use sick leave for the following reasons:

1. You are subject to a federal, state, or local quarantine, or isolation order related to COVID-19 and are unable to work as a result.
2. You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19 and are unable to work as a result.

3. You are experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. You are caring for someone who is subject to an order as described in (1) or who has been advised as described in (2).
5. You are caring for a son or daughter because the school or place of care has been closed, or the childcare provider is unavailable due to COVID-19 precautions.

How Much Will You Be Paid

- Full-time employees will receive their full regular rate of pay, capped at a total of \$511 per day or \$5,110 in total, for leave taken pursuant to reasons (1), (2), and (3) above.
- Full-time employees will receive two-thirds of their full regular rate of pay, capped at a total of \$200 per day or \$2000 in total, for leave taken pursuant to reasons (4), (5), and (6) above.
- For part-time employees or those with irregular hours, leave pay will be calculated based on the number of hours the employee works on average over a 2-week period in the past year.

How Long It Will Last

- If eligible for paid sick leave, full-time employees will be granted 80 hours (10 days) of paid sick leave.
- Part-time employees will be granted a pro-rated amount based on their average number of hours.

How Do You Apply

- No application necessary. Where leave is foreseeable, an employee should provide notice of leave to the employer as is practicable. After the first workday of paid sick time, an employer may require employees to follow reasonable notice procedures in order to continue receiving paid sick time.

Federal Emergency Paid Family and Medical Leave

Who is Eligible

- Employees who work at companies with fewer than 500 employees are eligible for paid sick leave if they have been employed for at least 30 calendar days.
- If you work at a company with fewer than 50 employees, please ask your employer if they have received an exemption from the paid family and medical leave requirements.
- If you are employed by a company with more than 500 employees, self-employed or an independent contractor/gig worker, you are not eligible for emergency paid family leave under Families First.

How it Can Be Used

- Employees may use family and medical leave to care for a child under 18 years of age whose school or childcare provider has been closed due to reasons related to COVID-19.
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How Much Will You Be Paid

- The first 10 days of this leave is unpaid, although you may use any available and accrued paid time off or sick time to cover some, or all, of the initial unpaid period.
After the initial 10 days, full-time employees will receive two-thirds of their regular rate of pay, capped at a total of \$200 a day or \$12,000 in total.

How Much Leave is Allowed

If eligible for paid family and medical leave, full-time employees may take such leave for up to 12 weeks total.

- Part-time employees or those with irregular schedules will be paid at two-thirds of their regular rate for the average number of hours worked over the prior 6 months of employment.

When New Provisions Begin and End

According to the Labor Department, they will go into effect on April 1 and will apply to leave taken between April 1 and December 31, 2020.

How Do You Apply

- No application necessary. Where leave is foreseeable, an employee should provide notice of leave to the employer as is practicable. After the first workday of paid sick time, an employer may require employees to follow reasonable notice procedures in order to continue receiving paid sick time.

More Federal Information

For more information, please visit <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>, or call the Department of Labor's Wage and Hour Division at 1-866-4US-WAGE.

For frequently asked questions regarding applicability and coverage, please visit <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

The "Emergency Paid Sick Leave Act" and the "Emergency Family and Medical Leave Act" are established by Division E and Division C of the Families First Coronavirus Response Act, respectively.

New Jersey Paid Sick Leave

Who is Eligible

- All New Jersey employees are eligible to begin earning paid sick leave upon the start of a new job regardless of company size.

How it Can Be Used

- You need diagnosis, care, treatment, or recovery for a mental or physical illness, injury, or health condition; or you need preventive medical care.
- You need to care for a family member during diagnosis, care, treatment, or recovery for a mental or physical illness, injury, or health condition; or your family member needs preventive medical care.
- You or a family member have been the victim of domestic violence or sexual violence and need time for treatment, counseling, or to prepare for legal proceedings.
- You need to attend school-related conferences, meetings, or events regarding your child's education; or to attend a school-related meeting regarding your child's health.
- Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider closed due to a public health emergency.

How Much Will You Be Paid

- You will be paid for at the same rate of pay with the same benefits as the employee normally earns

How Much Leave is Allowed

- Upon the start of a new job, an employee earns an hour of paid sick leave for every 30 hours worked, up to a maximum of 40 hours of leave per benefit year.

How Do You Apply

- No application is necessary. However, for foreseeable absences, employers may require a notice of seven calendar days. For unforeseeable absences, you are required to give notice of intention to use sick days as soon as practicably possible. For absences of three or more days, an employer may require documentation that confirms sick leave was used for a covered purpose.

More State Sick Leave Information

- https://www.nj.gov/labor/forms_pdfs/mw565sickleaveposter.pdf
- https://nj.gov/labor/wagehour/lawregs/nj_state_wage_and_hour_laws_and_regulations.html#11D1

New Jersey Paid Disability and Family Leave

Who is Eligible

- All New Jersey employees are eligible for paid temporary disability insurance leave and paid family insurance leave.
- The only exceptions are federal government employees, out-of-state employees and independent contractors/gig workers.

How it Can Be Used

- Temporary Disability Insurance provides cash [benefits](#) to New Jersey workers who suffer an illness, or other disability that prevents them from working, and wasn't caused by their job.
- Family Leave Insurance benefits are available to care for a family member with a serious health condition. A health care provider must certify the condition and that your family member needs your care.

How Much Will You Be Paid

- For both temporary disability leave and family leave, you are paid two-thirds (2/3) of your average weekly wage, up to a maximum, \$667 per week. Beginning on July 1, you are paid 85% of your average weekly wage, and the maximum weekly benefit increases to \$881 per week.

How Much Leave is Allowed

- For temporary disability leave, employees are eligible for six weeks to care for oneself.
- For family leave, employees are eligible for up to six weeks of paid leave to provide care for a seriously ill or injured [family member](#).
- On July 1, employees are eligible for up to twelve weeks of family leave to provide care for a seriously ill or injured [family member](#).

How Do I Apply

- For both temporary disability and family leave, go here:
<https://identity.dol.state.nj.us/amserver/UI/Login>

More State Sick Leave Information

- https://www.nj.gov/labor/forms_pdfs/mw565sickleleaveposter.pdf
- https://nj.gov/labor/wagehour/lawregs/nj_state_wage_and_hour_laws_and_regulations.html#11D1